

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ
_____ /

HATEM NAJI FARIZ'S PROPOSED JURY INSTRUCTIONS

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully submits the following proposed instructions in place of certain of the government's proposed instructions. Mr. Fariz distributed copies of each of the following instructions to the Court and parties in open court during the arguments on the proposed jury instructions held on September 27, 2005.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Florida Bar No. 0800031
Assistant Federal Public Defender
400 North Tampa Street, Suite 2700
Tampa, Florida 33602
Telephone: 813-228-2715
Facsimile: 813-228-2562
Attorney for Defendant Fariz

**HATEM NAJI FARIZ'S REQUESTED JURY INSTRUCTION IN PLACE OF
GOVERNMENT'S INSTRUCTION NO. 10**

**Explanatory Instruction
Transcript of Tape Recorded Conversation**

As you have heard, a number of exhibits have been identified as a typewritten transcript and translation from *Arabic* into English of the oral conversation that can be heard on the tape recordings received in evidence. The transcripts also purport to identify the speakers engaged in such conversation.

I have admitted the transcripts for the limited and secondary purpose of aiding you in following the content of the conversations as you listened to the tape recording, particularly those portions spoken in Arabic, and also to aid you in identifying the speakers.

However, you are specifically instructed that whether the transcript correctly or incorrectly reflects the content of the conversation or the identity of the speakers is entirely for you to determine based upon your own evaluation of the testimony you have heard concerning the preparation of the transcript, and from your own examination of the transcript in relation to your hearing of the tape recording itself as the primary evidence of its own contents. *With respect to the speaker identifications, you should consider how accurate the identification was. I suggest that you ask yourself the following questions: On what did the witness base his or her identification of the speaker? Did the witness have an adequate, independent basis for the identification of the speaker?*

If you should determine that the transcript is in any respect incorrect or unreliable, you should disregard it to that extent.

Trial Instruction 6, *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003.
The amended language is patterned after Special Jury Instruction 3 regarding
Identification Testimony.

Explanatory Instruction on Translations of Documents

Members of the Jury:

As you have heard, a number of exhibits have been identified as a translation from *Arabic or Hebrew* into English of the *document* received in evidence.

You are specifically instructed that whether the *translation* correctly or incorrectly reflects the content of the *document* is entirely for you to determine based upon your own evaluation of the testimony you have heard concerning the preparation of the *translation*; and, if you should determine that the *translation* is in any respect incorrect or unreliable, you should disregard it to that extent.

Modified from Trial Instruction 6, *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003.

**HATEM NAJI FARIZ'S PROPOSED INSTRUCTION IN PLACE OF
GOVERNMENT INSTRUCTIONS NOS. 19 THROUGH 22**

Offense Instruction – Count One: RICO Conspiracy, 18 U.S.C. § 1962(d)

Count One charges that, from in or about 1984, and continuing until in or about the date of the indictment, in the Middle District of Florida and elsewhere, Defendants Sami Amin Al-Arian, Sameeh Taha Hammoudeh, Ghassan Zayed Ballut, and Hatem Naji Fariz knowingly, willfully, and unlawfully conspired to violate Title 18, United States Code, Section 1962(c), in violation of Title 18, United States Code, Section 1962(d).

Title 18, United States Code, Section 1962(c), makes it a Federal crime or offense for anyone who is associated with an "enterprise" engaged in, or the activities of which affect, interstate commerce, to participate in conducting the affairs of the enterprise through a "pattern of racketeering activity."

The Defendants named in Count One of the indictment are not charged with violating Section 1962(c); rather, they are charged with knowingly and willfully conspiring to violate that law, the alleged conspiracy itself being a separate crime or offense in violation of Section 1962(d).

So, under that law a "conspiracy" is a combination or agreement of two or more persons to join together to attempt to accomplish an offense that would be in violation of Section 1962(c) as defined in this instruction. It is a kind of "partnership in criminal purposes" in which each member becomes the agent of every other member.

The evidence in the case need not show that the alleged members of the conspiracy entered into any express or formal agreement; or that they directly discussed between themselves the details of the scheme and its purpose, or the precise ways in which the purpose was to be accomplished. Neither must it be proved that all of the persons charged to have been members of the conspiracy were such, nor that the alleged conspirators actually succeeded in accomplishing their unlawful objectives.

What the evidence in the case must show beyond a reasonable doubt is:

First: That two or more persons, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan, namely, to engage in a "pattern of racketeering activity" as charged in the indictment; and

Second: That the Defendant knowingly and willfully became a member of such conspiracy; and

Third: That at the time the Defendant knowingly and willfully agreed to join in such conspiracy, the Defendant did so with the specific intent either to personally participate in the commission of two "predicate offenses," as elsewhere defined in these instructions, or that the Defendant specifically intended to otherwise participate in the affairs of the "enterprise" with the knowledge and intent that other members of the conspiracy would commit two or more "predicate offenses" as a part of a "pattern of racketeering activity."

and

Fourth: *That the enterprise was engaged in, or that its activities substantially affected, interstate commerce.*

The term "enterprise" includes any partnership, corporation, association or other legal entity, and any union or group of individuals associated in fact although not a legal entity. *In this case, the enterprise alleged in the indictment is the Palestinian Islamic Jihad - Shiqaqi Faction, which the Government alleges includes the Islamic Concern Project, Inc., the Muslim Women's Society, the World and Islam Studies Enterprise, the Islamic Academy of Florida, the Elehssan Society, and the American Muslim Care Network. It is up to you the jury to determine whether the government has proven beyond a reasonable doubt that the enterprise existed as alleged.*

The term "racketeering activity," includes any act in violation of *specific federal law, as herein described*. The term "pattern of racketeering activity" requires at least two acts of "racketeering activity," sometimes called predicate offenses, which must have been committed within ten years of each other, one of which must have occurred after October 15, 1970.

In this case, the indictment alleges that the Defendants conducted and participated, directly and indirectly, in the conduct of the affairs of the PIJ Enterprise, through a pattern of racketeering activity, consisting of:

(a) multiple acts involving murder, in violation of Florida Statutes 782.04; 777.04(3);

(b) multiple acts involving extortion in violation of Florida Statutes 836.05, 777.011 and 777.04;

(c) on or after October 27, 1986, acts indictable under Title 18, United States Code, Section 1956(a)(2) and (h) [money laundering];¹

(d) acts indictable under Title 18, United States Code, Section 1952 [interstate or foreign travel or transportation and use of any facilities in interstate or foreign commerce with the intent to promote and carry on an unlawful activity];

(e) on or after October 26, 2001, acts indictable under Title 18, United States Code, Section 956 [conspiracy to kill, kidnap, maim or injure persons in a foreign country];²

(f) on or after October 26, 2001, acts indictable under Title 18, United States Code, Section 2339B [providing material support or resources to designated Foreign Terrorist Organizations];³

(g) on or after April 24, 1996, acts indictable under Title 18, United States Code, Section 1546 [fraud and misuse of visas, permits, and other documents];⁴ and

(h) acts indictable under Title 18, United States Code, Section 1503 [obstruction of justice].

You are further instructed that an enterprise must be proven by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.⁵ A number of racketeering acts, if proven, does not necessarily establish that an enterprise exists.⁶ In other words, the “enterprise” is not the “pattern of racketeering activity”; it is an entity separate and apart from the pattern of activity in which

¹ Pub. L. No. 99-570, § 1365(b), 100 Stat. 3207 (Oct. 27, 1986) (adding Section 1956 to Section 1961(1)).

² Pub. L. No. 107-56, Title VIII, § 813, 115 Stat. 272, 382 (Oct. 26, 2001) (adding Section 2332b(g)(5)(B)); 18 U.S.C. § 2332b(g)(5)(B) (including Section 956(a)(1)).

³ Pub. L. No. 107-56, Title VIII, § 813, 115 Stat. 272, 382 (Oct. 26, 2001) (adding Section 2332b(g)(5)(B)); 18 U.S.C. § 2332b(g)(5)(B) (including Section 2339B).

⁴ Pub. L. No. 104-132, Title IV, § 433, 110 Stat. 1214 (Apr. 24, 1996) (adding Section 1546).

⁵ *United States v. Turkette*, 452 U.S. 576, 583 (1981)

⁶ *Id.*

*it engages.*⁷ *The enterprise must be an ascertainable structure, distinct from the associations necessary to conduct the pattern of racketeering activity.*⁸ *The existence of an enterprise at all times remains a separate element which must be proved by the government.*⁹

A person may become a member of a conspiracy without full knowledge of all of the details of the unlawful scheme or the names and identities of all of the other alleged conspirators. So, if a Defendant has an understanding of the unlawful nature of a plan and knowingly and willfully joins in that plan on one occasion, that is sufficient to convict for conspiracy even though the Defendant did not participate before, and even though the Defendant played only a minor part.

Of course, mere presence at the scene of a transaction or event, or the mere fact that certain persons may have associated with each other, and may have assembled together and discussed common aims and interests, does not, standing alone, establish proof of the existence of a conspiracy. Also, a person who has no knowledge of a conspiracy, but who happens to act in a way which advances some purpose of a conspiracy, does not thereby become a conspirator.

With respect to the third specific fact, the Government must prove beyond a reasonable doubt that the Defendant under consideration knowingly and willfully agreed to join in the conspiracy, and with the specific intent either to personally participate in the commission of two "predicate offenses," as defined above, or that the Defendant specifically intended to otherwise participate in the affairs of the "enterprise" with the knowledge and intent that other members of the conspiracy would commit two or more "predicate offenses" as a part of a "pattern of racketeering activity."

You are further instructed, however, that you must unanimously agree concerning each Defendant under consideration as to which of the two predicate offenses the Defendant is alleged to have *personally participated in the commission of or that other members would commit as part of a pattern of racketeering activity with the knowledge and intent of the Defendant*. It would not be sufficient if some of the jurors should find that a Defendant

⁷ *Id.*

⁸ This request for an instruction is based on a circuit split between the Eighth Circuit, *see, e.g., United States v. Bledsoe*, 674 F.2d 647, 665 (8th Cir. 1982), and other circuits, including the Eleventh Circuit, *see, e.g., United States v. Goldin Industries, Inc.*, 219 F.3d 1271 (11th Cir. 2000).

⁹ *Turkette*, 452 U.S. at 583.

committed two predicate offenses or specifically intended others to commit two predicate offenses, while the remaining jurors found that such Defendant committed two different offenses *or intended that others would commit two different offenses*. You must all agree upon the same two predicate offenses.

With respect to the *fourth* specific fact – the requirement that the “enterprise” was engaged in, or that its activities affected, interstate commerce - - the Government contends that in conducting the affairs of the enterprise the Defendants [e.g. utilized interstate communications facilities by engaging in long distance telephone conversations; by traveling in interstate commerce from one state to another; and by causing the transmission of funds by mail or by wire in interstate commerce from one state to another.] You are instructed that if you find beyond a reasonable doubt that these transactions or events occurred, and that they occurred in, or as a direct result of, the conduct of the affairs of the alleged enterprise, the required affect upon interstate commerce has been established. If you do not so find, the required effect upon interstate commerce has not been established.

Based on Offense Jury Instructions 71.1 and 71.2, *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003.

**HATEM NAJI FARIZ’S PROPOSED JURY INSTRUCTION IN PLACE OF
GOVERNMENT INSTRUCTIONS NOS. 24 AND 31 (AS APPLICABLE)**

Offense Instruction – Count Two

Count Two charges that, from in or about April, 1996, and continuing until the date of indictment, in the Middle District of Florida and elsewhere, Defendants Sami Amin Al-Arian, Sameeh Taha Hammoudeh, Ghassan Zayed Ballut, and Hatem Naji Fariz knowingly, unlawfully, and willfully conspired to commit, at places outside the United States, acts that would constitute the offense of murder or maiming if committed in the special maritime and territorial jurisdiction of the United States, in violation of Title 18, United States Code, Section 956.

This statute became law on April 24, 1996.¹⁰ Therefore, in reaching your verdict, you should consider only conduct occurring after that date and determine whether the charged conspiracy existed and an overt act occurred after April 24, 1996.

In order for a Defendant to be found guilty of the charged conspiracy, the government must prove each of the following essential elements beyond a reasonable doubt:

First: The Defendant agreed with at least one person to murder or maim a person at a place outside of the United States; and

Second: The Defendant willfully joined the agreement with the intent to further the conspiracy’s purposes; and

¹⁰ Public Law No. 104-132, Title VII, § 704(a), 110 Stat. 1294 (Apr. 24, 1996).

Third: *During the conspiracy, at least one of the conspirators committed at least one overt act within the United States; and*

Fourth: *That such overt act was knowingly committed at or about the time alleged in an effort to carry out or accomplish some object of the conspiracy; and*

Fifth: *The Defendant was in the United States when the agreement was made.*¹¹

¹¹ 18 U.S.C. § 956(a)(1); Doc. 479, Court Order of March 12, 2004, at 47-48 (citing *United States v. Wharton*, 320 F.3d 526, 537-38 (5th Cir. 2003)).

**HATEM NAJI FARIZ’S PROPOSED JURY INSTRUCTION IN PLACE OF
GOVERNMENT’S INSTRUCTION NO. 25**

Predicate Offense - Extortion

The Superseding Indictment alleges that, as a racketeering activity, the Defendant agreed that a member of the alleged RICO conspiracy would commit extortion or conspiracy to commit extortion in the conduct of the affairs of the enterprise in violation of Florida Statutes 836.05, 777.01, and 777.04.

The law makes it a crime for anyone to maliciously or wrongfully¹² make a verbal or written threat to injure the person or property of another with an intent to obtain money or any pecuniary advantage, or to conspire to do so.

A person conspires under Florida law if the persons agrees, conspires, combines, or confederates with another person or persons to commit any offense. Attempted extortion, however, is not a crime under Florida law.¹³

A threat is “malicious” if it is made intentionally and without any lawful justification.¹⁴ The term “wrongful” means to obtain property unfairly and unjustly by one having no lawful claim to it.¹⁵ A lawful claim may lie when the United Nations has

¹²*Scheidler v. National Organization for Women, Inc.*, 537 U.S. 393, 409-10 (2003).

¹³*Achin v. State*, 436 So.2d 30, 31 (Fl. 1982).

¹⁴*Dudley v. State*, 634 So.2d 1093, 1094 (Fl. Dist. Ct. App. 1994).

¹⁵Offense Jury Instruction 66.1 (Hobbs Act Extortion), *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003.

recognized an individual's right to return to and/or receive compensation for the property that is the subject of the extortion allegations.¹⁶

The term "pecuniary advantage" includes any item of value, such as land or physical property. The Government need not prove that the Defendant personally reaped, or sought to personally reap, the pecuniary benefits of the scheme.¹⁷

However, merely interfering with or depriving someone of the use of their property cannot constitute extortion under the law.¹⁸

Further, an intangible right like sovereignty cannot be extorted under the law.¹⁹ "Sovereignty" is defined as supreme power, especially over a body politic, or freedom from external control.²⁰ Finally, there can be no extortion when the party holding the property does so as a result of military occupation, the property is the subject of a political dispute, and its borders and legal status are not clearly defined.²¹

¹⁶United Nations General Assembly Resolution 194 (1948).

¹⁷*United States v. Al-Arian*, Case No. 8:03-cr-77-T-30TBM, slip op. at 4 (M.D. Fl. Dec. 17, 2004) (Doc. No. 833).

¹⁸*Scheidler*, 537 U.S. at 405.

¹⁹*United States v. Al-Arian*, 308 F. Supp.2d 1322, 1356 (M.D. Fl. 2004).

²⁰Definition of "sovereignty," found at the Merriam-Webster Online Dictionary, <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=sovereignty>.

²¹*Al-Arian*, 308 F. Supp.2d at 1356 n.73.

**HATEM NAJI FARIZ’S PROPOSED INSTRUCTION IN PLACE OF
GOVERNMENT INSTRUCTIONS NOS. 26 AND 32 (AS APPLICABLE)**

**Offense Instruction – Count Three: Conspiracy to Provide Material Support or
Resources to a Designated Foreign Terrorist Organization**

Count Three of the Indictment charges the Defendants, from in or about 1988 to the date of the Indictment, in the Middle District of Florida and elsewhere within the United States, with conspiring to knowingly provide material support and resources to a designated foreign terrorist organization, namely the Palestinian Islamic Jihad, in violation of 18 U.S.C. § 2339B.

For the purposes of this instruction, a “designated foreign terrorist organization” (“FTO”) means an organization so designated by the Secretary of State pursuant to 8 U.S.C. § 1189. The Palestinian Islamic Jihad (“PIJ”) was not designated as an FTO until October 8, 1997.²² Prior to October 8, 1997, it was not illegal to provide or conspire to provide material support or resources to the PIJ. Accordingly, in considering your verdict, you should consider conduct occurring after that date to determine whether the conspiracy, as alleged, existed.

“Material support or resources” is defined in 18 U.S.C. § 2339A. During the time period alleged in the Indictment, there was a change in the applicable law. Thus, you must determine the dates of the conspiracy, if any, and apply the proper definition of “material support or resources.”

For the period of time from October 8, 1997 to October 25, 2001, “material support or resources” included currency or financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.²³

²² By proposing this instruction, Mr. Fariz does not waive his objections to the Court taking judicial notice of this designation, or the other arguments he has made concerning the designation of the PIJ. Instead, Mr. Fariz proposes this instruction to address the applicable dates at issue here to avoid *ex post facto* concerns.

²³ Because of vagueness concerns with respect to the statute and the indictment in this case, Mr. Fariz will raise a number of issues with respect to defining these terms during argument.

For the period of time from October 26, 2001 to the date of the Indictment, “material support or resources” included currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials. In other words, “monetary instruments” and “expert advice or assistance” were added to the list.

In order to prove a Defendant guilty of the charged conspiracy, the government must prove each of the following elements beyond a reasonable doubt:

- First: Two or more persons came to a mutual understanding to try to accomplish a common and unlawful plan;*
- Second: To provide material support or resources, as defined herein, and within the applicable timeframes, with all members of the jury reaching a unanimous agreement on the type(s) of material support or resources;*
- Third: To a designated foreign terrorist organization, that is the Palestinian Islamic Jihad;*
- Fourth: The Defendant knowing the unlawful purpose of the plan, willfully joined in it;*
- Fifth: The Defendant knew that the Palestinian Islamic Jihad was a designated foreign terrorist organization;*
- Sixth: The Defendant knew what he was conspiring to provide was a material support or resource;*
- Seventh: The Defendant had the specific intent that the material support or resource would further the unlawful activities of the Palestinian Islamic Jihad;*
- and*
- Eighth: One of the members of the conspiracy performed at least one overt act for the purpose of carrying out the conspiracy, with all members of the jury agreeing on a particular overt act that you find was committed.*

Based on Doc. 479, Order of March 12, 2004, at 25; *United States v. Al-Hussayen*, No. CR03-048-C-EJL, Doc. 660, Jury Instruction No. 37 (D. Idaho); Offense Jury Instructions 13.1, General Conspiracy Charge, *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003; U.S. Const. amends. I, V.

**HATEM NAJI FARIZ'S PROPOSED INSTRUCTION IN PLACE OF
GOVERNMENT INSTRUCTION NO. 33**

**Offense Instruction – Count Four: Conspiracy to Make and Receive Contributions
of Funds, Goods or Services to and for the benefit of Specially Designated Terrorists**

Count Four alleges that, beginning not later than January 25, 1995 and continuing to the date of the indictment, the Defendants conspired knowingly and willfully to violate Executive Order 12,947, by making and receiving contributions of funds, goods, and services to or for the benefit of the Palestinian Islamic Jihad, Abd Al Aziz Awda, Fathi Shiqaqi, and Ramadan Abdullah Shallah, in violation of 18 U.S.C. § 371.

Executive Order 12,947 prohibits the making and receiving of any contribution of funds, goods, or services to or for the benefit of persons designated in or pursuant to the Executive Order. You are instructed that the Palestinian Islamic Jihad was designated effective January 25, 1995;

Abd Al Aziz Awda was designated on January 25, 1995;

Fathi Shiqaqi was designated on January 25, 1995; and

Ramadan Shallah was designated on November 27, 1995.²⁴

Therefore, until the dates of these designations, it was not illegal to conspire to make and receive contributions of funds, goods, and services to or for the benefit of the PIJ or these individuals. In reaching your verdict, you should consider only conduct occurring after that date and determine whether the conspiracy existed and an overt act occurred after that date.

What the evidence in the case must show beyond a reasonable doubt is:

First: That two or more persons, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan, *namely, by making and receiving contributions*

²⁴ By proposing this instruction, Mr. Fariz does not waive his objections to the Court taking judicial notice of this designation, or the other arguments he has made concerning the designations. *See, e.g.* Doc. 1036 and citations therein. Instead, Mr. Fariz proposes this instruction to address the applicable dates at issue here to avoid *ex post facto* concerns.

of funds, goods, and services to or for the benefit of the Palestinian Islamic Jihad, Abd Al Aziz Awda, Fathi Shiqaqi, and Ramadan Abdullah Shallah;

Second: That the Defendant, knowing the unlawful purpose of the plan, willfully joined in it;

Third: *The Defendant knew that the Palestinian Islamic Jihad, Abd Al Aziz Awda, Fathi Shiqaqi, and Ramadan Abdullah Shallah were designated as specially designated terrorists;*

Fourth: *The Defendant knew what he was making or receiving as a contribution was a fund, good, or service;*

Fifth: *The Defendant had the specific intent that contribution would be used to further the unlawful activities of the Palestinian Islamic Jihad, Awda, Fathi Shiqaqi, or Shallah;*

Sixth: That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the methods (or "overt acts") described in the indictment;

and

Seventh: That such "overt act" was knowingly committed at or about the time alleged in an effort to carry out or accomplish some object of the conspiracy.

You are instructed that certain communications and transactions are not criminal.²⁵
Specifically:

(1) Personal Communications. The prohibitions do not apply to any postal, telegraphic, telephonic, or other personal communication which does not involve the transfer of anything of value.

²⁵ Counsel for Mr. Fariz will address definitions for funds, goods, and services during argument.

(2) Information and informational materials. The importation from any country and the exportation to any country of information or informational materials, whether commercial or otherwise, regardless of format or medium of transmission, are exempt. Information and informational materials means publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD Roms, artworks, and news wire feeds, and other information and informational articles.

(3) Travel. The prohibitions do not apply to transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including non scheduled air, sea, or land voyages.

Based on Offense Jury Instructions 13.1, General Conspiracy Charge, *Eleventh Circuit Pattern Jury Instructions (Criminal Cases)*, 2003; Doc. 479, Order of March 12, 2004; Executive Order 12,947; 31 C.F.R. § 595.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of September, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; Alexis L. Collins, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender